In The High Court of Judicature at Madras

Dated 07.09.2006

Coram

THE HONOURABLE MR. JUSTICE P. JYOTHIMANI

W.P.No.31756/2006 & M.P.No.1/2006

S.Francis Peter .. Petitioner

Vs

1.The Director of Elementary Education,
College Road, Chennai 600 006.

2.The Chief Educational Officer,
Perambalur.

3.The District Collector,
Perambalur District, Perambalur.

4.The District Employment Officer,
Perambalur District.

5.The District Elementary Education Officer,
Perambalur.

6.The Superintendent of Police,
District Police Office, Perambalur. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the first and third respondent herein to enquire and take action in respect of candidates who are sponsored by the District Employment Exchange, Perambalur to the Chief Educational Officer, Perambalur, for appointment to the post of Secondary Grade Teacher, with reference to guidelines issued by the Government for transfer of Registration in Employment Exchange from other Districts to Perambalur District, within a time frame.

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For Petitioner : M/s.G.Bala & Daisy
For Respondents: Mr.P.Gopi Raja, GA

ORDER

It is the case of the petitioner that in Perambalur District, which is a Most Backward Class District, the counselling for the appointment of Secondary Grade Teachers in the Middle Schools and

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Elementary Schools is going on. While many qualified candidates are available within the District, the persons from neighbouring districts have migrated with bogus certificates and purely on basis of the documents like that of the family card and other documents. The appointments are being made which affects the unemployed graduates who are living in large number in Perambalur area.

2.In view of the same, the present writ petition is filed by the petitioner for a direction against the first and third respondents to enquire and take action in respect of candidates who are sponsored by the District Employment Exchange, Perambalur to the Chief Educational Officer, Perambalur for such appointments with reference to the guidelines issued by the Government for transfer of Registration in Employment Exchange from other Districts to Perambalur District.

3. The petitioner has registered his name in the Employment Exchange for appointment to the post of Secondary Grade Teachers in the year 2002 and a call letter was given for verification on 2.9.2004. A large number of persons from other districts were appointed by producing ntivitiy certificates and also based on the illegal migrations. The petitioner is given a call letter on 8.8.2006 and the counselling for the appointment for the said post was to commence from 6.09.2006 to 8.9.2006.

4. It is the case of the petitioner that within a period of two years more than 300 persons from other districts have managed to obtain bogus nativity certificates by furnishing false information to the Revenue Officials as if they are the residents of Perambalur District and got themselves registered in the District Employment Exchange in Perambalur.

4a.I have heard the learned counsel for the petitioner and the learned Government Advocate taking notice on behalf of the respondents.

5. Considering the limited scope of the prayer in the writ petition and also the seriousness of the situation wherein the policy of the Government is to have a balanced development in respect of the employment in each District, it is certainly the duty on the part of the Collector to see such migration from other Districts did not take place which will affect the balanced growth. If the statement made by the petitioner that nearly 300 persons from neighbouring districts have migrated to Perambalur District and got themselves registered in the Employment Exchange based on the bogus nativity certificates, it is the duty of the District Collector/3rd respondent to verify the same not merely by referring to the nativity certificates obtained by those candidates, but also, by verifying about the education certificates like the S.S.L.C. and Plus 2 certificates and also find

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out as to whether such qualifications have been obtained by those candidates within the District or not, which can be easily identified to show as to whether the registration in the Employment Exchange at Perambalur has been done with a bogus intention.

6. The writ petition is disposed of with the following direction:

> "1. The 3rd respondent is directed to investigate about the persons, who are sponsored by the Employment Exchange, viz., the 4th respondent, to the Chief Educational Officer/2nd respondent, and find out as to whether those candidates really belong to the Perambalur District and are eligible for such registration in the counselling or not?.
>
> 2. It is made clear that after making such investigation, if the 3rd respondent is fully satisfied about the genuineness of the candidates, a direction may be issued to the concerned Educational Authority to issue appointment orders.
>
> 3. It is open to the petitioner and other similarly situated persons who are stated to be genuine candidates belonging to the same district to assist the Authorities in this regard to find out the real nature of the issue as such."

No costs. Consequently, connected M.P.is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

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2.The Chief Educational Officer,
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3.The District Collector,
Perambalur District, Perambalur.

4.The District Employment Officer,
Perambalur District.

5.The District Elementary Education Officer,
Perambalur.

6.The Superintendent of Police,
District Police Office, Perambalur.

+1cc to Govt. Pleader Sr 41342
+1cc to Mr.G.Bala Daisy SR 41190

GGK (CO)
km/7.9.

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